

AO 93 (Rev. 5/85) Search Warrant

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**In the Matter of the Search of**

(Name, address or brief description of person or premises to be searched)

**[REDACTED]  
Frederica, Delaware 19734**

**(In the town of Bowers Beach, Delaware)**

**As More Particularly Described in Attachment A**

**SEARCH WARRANT**

Misc. No. 05- 119M-MPT

**TO: Special Agent Scott Curley and any Authorized Officer of the United States**

**Affidavit(s) having been made before me by Special Agent Curley, ATF who has reason to believe that     on the person of or X on the property known as(name, description and/or location)**

**[REDACTED] Frederica, Delaware 19734 (in the town of Bowers Beach, Delaware), as more particularly described in Attachment A,**

**in the District of Delaware there is now  
concealed a certain person or property, namely (describe the person or property)**

**See Attachment B**

**I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.**

**YOU ARE HEREBY COMMANDED to search on or before 10/21/05  
Date**

**(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime -- 6:00 a.m. to 10:00 p.m.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to U.S. Magistrate Judge Mary Pat Thyng as required by law.**

**U.S. Judge or Magistrate Judge**

**October 20, 2005**

**Date**

**at Wilmington, Delaware**

**City and State**

**Honorable Mary Pat Thyng**

**United States District Court Magistrate Judge**

**District of Delaware**

**Name and Title of Judicial Officer**

**Signature of Judicial Officer**

**FILED**

**DEC 21 2005**

**U.S. DISTRICT COURT  
DISTRICT OF DELAWARE**

O 93 (Rev. 5/85) Search Warrant

## RETURN

DATE WARRANT  
RECEIVED

10-20-2005

DATE AND TIME WARRANT  
EXECUTED

10-24-2005 @ 9:30

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT  
WITH

BART L. MARTINEZ

INVENTORY MADE IN THE PRESENCE OF

S/A JASON KUSHERA - ATF

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

1 SMITH & WESSON MODEL 1006 SEMI-AUTOMATIC PISTOL # TFA9967  
WITH MAGAZINE (9) ROUNDS WITH 9+1 ROUND OF 10MM AMMO.

1 SPARE MAGAZINE FOR A S&W MODEL 1006 PISTOL LOADED  
WITH 9 ROUNDS OF 10MM AMMO.

2 BOXES OF 50 ROUNDS OF WINCHESTER BRAND 230GRN  
45 ACP JACKETED HOLLOW POINTS.

6 OPENED STAMP BAGGIES.

A SMALL AMOUNT OF MARIJUANA

1 DELMARVA POWER BILL FOR BART L. MARTINEZ  
[REDACTED], FREDERICKA, DE 19734

NOTHING FOLLOWS

Jae

## CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

*John C. Curley*

Subscribed, sworn to, and returned before me this date.

*[Signature]*  
U.S. Judge or Magistrate

11/1/05  
Date

## **Attachment A**

### **PREMISES TO BE SEARCHED**

The residence of BART LEE MARTINEZ, located at [REDACTED] Frederica, DE, including all outbuildings and appurtenances thereto and the curtilage thereof, in the town of Bowers Beach, in the County of Kent, in the Judicial District of Delaware.

### **DESCRIPTION OF THE PREMISES TO BE SEARCHED**

The residence of BART LEE MARTINEZ is located at located at [REDACTED] [REDACTED] Frederica, DE, in the town of Bowers Beach. Traveling east bound on [REDACTED] the residence is the fourth home on the left. The address for the residence [REDACTED] is affixed to the front doorway of the address as well as affixed to the mail box which is directly across the street from the residence. The premises is a single story, cream colored stucco exterior cottage with shingle roof and window on the left and right of the main entrance. The front of the building is on the buildings southern side and face [REDACTED] There is a side entrance on the eastern side of the building and the door also faces south. Both entrances have a metal-framed storm door with glass panels on the top. The doors open out. The storm door on the main entrance is hinged on the right hand side of the entrance with the numbers [REDACTED] it. There is a tree in the southwest corner of the residences property, a decorative lighthouse in the south east corner and a UHF/VHF TV antenna on the northwest side of the property.

## **Attachment B**

### **DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED**

1. Records that establish the persons who have control, possession, custody or dominion over the property and vehicles searched and from which evidence is seized, such as: personal mail, checkbooks, personal identification, notes, other correspondence, utility bills, phone records, rent receipts, payment receipts, financial documents, keys, photographs (developed or undeveloped), leases, mortgage bills, and vehicle registration information or ownership warranties.
2. All documents relating to the acquisition and disposition of firearms by Bart LEE MARTINEZ including but not limited to receipts, notes, correspondences, faxes, pawn tickets and pawn broker reports for the purchase, acquisition, sale pawning or disposition of firearms.
3. Firearms and other items pertaining to the possession of firearms, including gun cases, locked safes that could contain firearms or ammunition, ammunition, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs of firearms or of persons in possession of firearms, and receipts for the purchase and/or repair of all these items.
4. All illegal controlled substances as including but not limited to Heroin, Cocaine and Marijuana.

5. All items of drug paraphernalia such as pipes, bowls, rolling papers, mirrors, razors, spoons, baggies, capsules, scales, grinders and other items used to ingest, inhale, or inject, illegal drugs.
6. All documents relating to the acquisition and disposition of controlled substances by Bart LEE MARTINEZ including but not limited to receipts, notes, faxes and correspondences.
7. All of the above listed items to be seized being fruits, instrumentalities and evidence of violations of Title 18, United States Code, Part I, Chapter 44, Section 922 (g)(3), relating to possession of firearms by an illegal drug user.